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MAY 05 2006

OFFICE OF PETITIONS

In re Application of	:	
Paul E. Burrows, Chris J.	:	
Pagano, Eric S. Mast, Peter M.	:	
Martin, Gordon L. Graff, Mark	:	
E. Gross, Charles C. Bonham,	:	
Michael G. Hall, and Wendy D.	:	
Bennett	:	DECISION ON PETITIONS
Application No. 09/966,163	:	UNDER 37 C.F.R. §§1.183
Patent No. 6,866,901	:	AND 1.324
Filed: September 28, 2001	:	
Issue Date: March 15, 2005	:	
Attorney Docket No. VIT 0012-PA	:	
Title: METHOD FOR EDGE SEALING	:	
BARRIER FILMS	:	

This is in response to the petitions under 37 C.F.R. §§1.183 and 1.324(a)¹ filed concurrently on January 23, 2006 to correct inventorship.

¹ A grantable petition under 37 C.F.R. §1.324 requires:

- (1) Where one or more persons are being added, a statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on his or her part;
- (2) A statement from the current named inventors who have not submitted a statement under paragraph (b)(1) of this section either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change;
- (3) A statement from all assignees of the parties submitting a statement under paragraphs (b)(1) and (b)(2) of this section agreeing to the change of inventorship in the patent, which statement must comply with the requirements of § 3.73(b) of this chapter; and;

Petitioner has requested that Charles C. Bonham, Michael G. Hall, and Wendy D. Bennett be listed as joint inventors. However, since joint inventor Pagano cannot be located, Petitioner cannot obtain a statement from him, memorializing his agreement to the change in inventorship. As the securing of this statement is required by 37 C.F.R. §1.324(b)(2), Petitioner seeks a waiver of this portion of the C.F.R.

The petition under 37 C.F.R. §1.183:

The Petitioner has submitted the petition fee, which has been charged to Petitioner's deposit account, as authorized in the petition. It is noted that Petitioner has previously submitted a petition under 37 C.F.R. §1.47(a), which was treated as a petition under 37 C.F.R. §1.183, requesting the waiver of 37 C.F.R. §1.67)(a)(1), so that the supplemental declaration could be accepted without having been executed by each of the named inventors: previously signing joint inventor Pagano could not be located to execute the supplemental declaration. A decision granting this petition was mailed on September 20, 2004.

37 C.F.R. §1.324(b)(2) sets forth that when one or more persons are being added to the inventorship of a patent, a statement "from the current named inventors who have not submitted a statement under paragraph (b)(1) of this section" is required, "either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change."

It has been determined that justice requires that the requirement that the Petitioner provide a statement from Mr. Pagano, one of the current named inventors, be suspended.

As such, the petition under 37 C.F.R. §1.183 is hereby **GRANTED**, and 37 C.F.R. §1.324(b)(2) is hereby **WAIVED**, to the extent set forth above.

The petition under 37 C.F.R. §1.324:

Petitioner has included the processing fee for correcting inventorship in a patent; a statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on his or her part; a statement

from all assignees of the parties submitting a statement under paragraphs (b)(1) and (b)(2) of this section of the C.F.R., agreeing to the change of inventorship in the patent; the proper fee, and; a statement from each of the current named inventors (save Mr. Pagano) agreeing to the change of inventorship. As set forth above, the requirement that a statement be provided from Mr. Pagano has been waived.

As such, the petition is **GRANTED**.

As of the mailing date of this decision, Charles C. Bonham, Michael G. Hall, and Wendy D. Bennett have each been added as a joint inventor.

A certificate of correction will be issued, pursuant to 37 C.F.R. §1.323.

This application is being forwarded to the Certificate of Correction branch for further processing of the certificate of correction, included with the present petition.

Telephone inquiries with regard to this decision should be directed to Paul Shanoski at (571) 272-3225. The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282.



Paul Shanoski
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Office of Petitions
United States Patent and Trademark Office